



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

ELlicott City Historic District ■ LAWYERS HILL Historic District

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

VOICE 410-313-2350

FAX 410-313-3042

March Minutes

Thursday, March 2, 2017; 7:00 pm

The second meeting for the year 2017 of the Historic Preservation Commission was held on Thursday, March 2, 2017 in the C. Vernon Gray Room located at 3430 Court House Drive, Ellicott City, MD 21043. Mr. Roth moved to approve the February minutes. Ms. Zoren seconded. The motion was unanimously approved.

Members present: Allan Shad, Chair; Erica Zoren, Drew Roth, Secretary Bruno Reich

Member Absent: Eileen Tennor, Vice-Chair

Staff present: Samantha Holmes, Beth Burgess, Dan Bennett, Lewis Taylor, and Yvette Zhou

PLANS FOR APPROVAL

Consent Agenda

1. HPC-16-76c – 8069 Main Street, Ellicott City

Regular Agenda

2. HPC-17-15 – 8394 Main Street/Parking Lot F, Ellicott City
3. HPC-16-70c – 8247-8249 Main Street, Ellicott City
4. HPC-17-16 – 6130 Lawyers Hill Road, Elkridge
5. HPC-17-17 – 3420 Sylvan Lane, Ellicott City
6. HPC-17-18 – 12171 Clarksville Pike, Clarksville
7. HPC-17-19 – 3956 Cooks Lane, Ellicott City
8. HPC-17-07 – 3614 Court House Drive, Ellicott City (continued from February)

CONSENT AGENDA

HPC-16-76c - 8069 Main Street, Ellicott City

Final tax credit approval.

Applicant: Len Berkowitz

Background & Scope of Work: This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1890. The Applicant was pre-approved on October 6, 2016 to replace the apartment front door and replace the rear staircase, which were damaged by the July 30 flood. The Applicant has submitted documentation that \$9,468.75 was spent on eligible, pre-approved work. The Applicant seeks \$2,367.19 in final tax credits.

Staff Comments: The invoices and cancelled checks add up to the requested amount and the work complies with that pre-approved.

Staff Recommendation: Staff recommends Approval as submitted.

Testimony: There was no testimony.

Motion: Mr. Roth moved to approve the application as submitted for \$2,367.19 in final tax credits. Ms. Zoren seconded. The motion was unanimously approved.

REGULAR AGENDA

HPC-17-15 – 8394 Main Street/Parking Lot F, Ellicott City

Certificate of Approval for landscape alterations.

Applicant: David Carney

Background & Scope of Work: This property is located in the Ellicott City Historic District, between the Thomas Isaac Log Cabin and The Wine Bin. The Applicant, in conjunction with the Department of Recreation and Parks, proposes to plant a sassafras tree and install three boulders in the landscape bed between Parking Lot F, the Thomas Isaac Log Cabin (8394 Main Street) and the Wine Bin (8390 Main Street), as shown in Figure 1 below. The sassafras tree will be located closer to Parking Lot F, approximately where the green star is shown in Figure 1. Recreation and Parks has identified a flowering dogwood as the second choice tree. The boulders will be approximately located where the orange star is shown, in order to prevent pedestrian traffic through the garden. The boulders will be a cluster of three stones. One stone will be 5 feet wide by 3 feet tall and two will be 3 feet wide by 2 feet tall. These will be native stones excavated from Blandair Park.



Figure 1 - Location of garden

Staff Comments: Chapter 9.B (page 65) of the Guidelines states, “The Ellicott City 225th Birthday Committee has selected three indigenous plants, serviceberry, pepper bush and purple sage, to commemorate the 225th anniversary of the town’s founding.” Staff finds the proposed sassafras tree is not an appropriate choice for that location. The roots sucker and the tree can develop multiple stems or new trees. Staff inquired if Recreation and Parks would be agreeable to planting a serviceberry, redbud or flowering dogwood, which are smaller trees that would better fit the space.

Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.” The proposed boulders are compatible with nearby structures and features. Native stone is a common sight in Ellicott City and is seen throughout Main Street. The use of natural boulders in a landscape setting is appropriate.

Staff Recommendation: Staff recommends Approval of planting a flowering dogwood, which was suggested by Staff and was the Applicant’s second choice. Staff recommends Approval of installing the three stone boulders.

Testimony: Mr. Shad swore in Mr. David Carney. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Carney said no and he agreed to the dogwood tree per Staff recommendations.

Motion: Mr. Roth moved to approve the application per Staff recommendations for a dogwood tree instead of a sassafras tree. Ms. Zoren seconded. The motion was unanimously approved.

HPC-16-70c – 8247-8249 Main Street, Ellicott City

Final tax credit approval.

Applicant: Pauline Jacobs

Background & Scope of Work: These properties are located in the Ellicott City Historic District. According to SDAT the buildings dates to 1920. The Applicant was pre-approved on September 15, 2016 and October 6, 2016 for the following work:

- 1) Repair and replace brickwork under the front first floor windows at both buildings.
- 2) Replace the front door at both buildings with a full lite wood door to match the existing doors that were damaged in the flood. The doors will be painted an orange/red to match the existing color.
- 3) The porch will be installed smaller to only accommodate emergency egress from the apartments in the building. The roof on the existing porch will not be added back on.

The Applicant has submitted documentation that \$18,406.80 was spent on work. The Applicant seeks \$4,601.70 in final tax credits.

Staff Comments: The January 3 invoice from Decks Unlimited states that a new solid white vinyl soffit was installed below the porch ceiling. The vinyl soffit was added to the area the porch roof previously tied into. There is also a September 22 invoice that states that siding on the portion of the house by the rear staircase was replaced with new gray vinyl siding. Vinyl is not a material that is typically approved for use in the Historic District; however the existing siding on the rear of the building is aluminum, which does not appear to be readily available anymore.

Staff Recommendation: If the Commission determines the repairs comply with the pre-approval, then Staff recommends approval as submitted.

Testimony: Mr. Shad swore in Ms. Pauline Jacobs. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Ms. Jacobs said no. Mr. Shad said it does not appear the contractor broke out the costs for the white vinyl soffit ceiling or the siding on the invoice. Ms. Jacobs said the siding was done by C & T Building Services which had a separate invoice. Ms. Jacobs said the white box on the rear porch ceiling had always been there to enclose the exterior pipes and protect them from freezing and the siding was installed around the box to prevent rotting. Ms. Holmes explained that during Staff's site visit, they were unsure what the enclosed box was on the first floor rear porch ceiling. Ms. Holmes said there was a strip of white siding on the back of the building where the porch roof tied into the ledger board. Ms. Jacobs said if the new siding at that location was painted in gray it would be less noticeable but it is in white like a piece of trim making it more noticeable. Ms. Holmes said the contractor may have not been able to get the same siding material as the original. Ms. Jacobs said that was the reason why the contractor installed vinyl instead of aluminum and the color turned out very close to the original.

Motion: Mr. Roth moved to approve the application as submitted for \$4,601.70 in final tax credits. Ms. Zoren seconded. The motion was unanimously approved.

HPC-17-16 - 6130 Lawyers Hill Road, Elkridge

Application for Certificate of Approval for exterior alterations.

Applicant: Daniel and Lisa Roth

Background & Scope of Work: This property is located in the Lawyers Hill Historic District. According to SDAT the building dates to 1890. The Applicant proposes to construct a wrap-around porch/deck on the side of the house, connecting a previously approved rear deck with the existing front entry porch, which was approved to be rebuilt. The Applicant has submitted a photograph from 1991 that shows a previously existing deck similar to the current proposal.



Figure 2 - Photograph from 1991



Figure 3 - House condition in 2014

In June 2016, approval was given to rebuild the existing front porch and construct the rear deck:

- 1) Rebuild the side porch. The existing porch will need to be completely removed and rebuilt. The application states, "the plan includes installing primed wood decking that is period correct and paint a grey color. All trim boards, posts, and hand-rails will be painted the same off-white color to match the windows and doors."
- 2) Add a 16x20 foot deck off the rear of the house. All decking and railing to match the side porch.

The original design for the porch included round columns, but after Staff indicated that was not an historically appropriate design, the Applicant revised the porch columns and railings to be square, as shown in the approved design in Figure 4. The porch railings and columns that were constructed do not match this design. The approved end railing has an open design and the columns have a square base and capital.

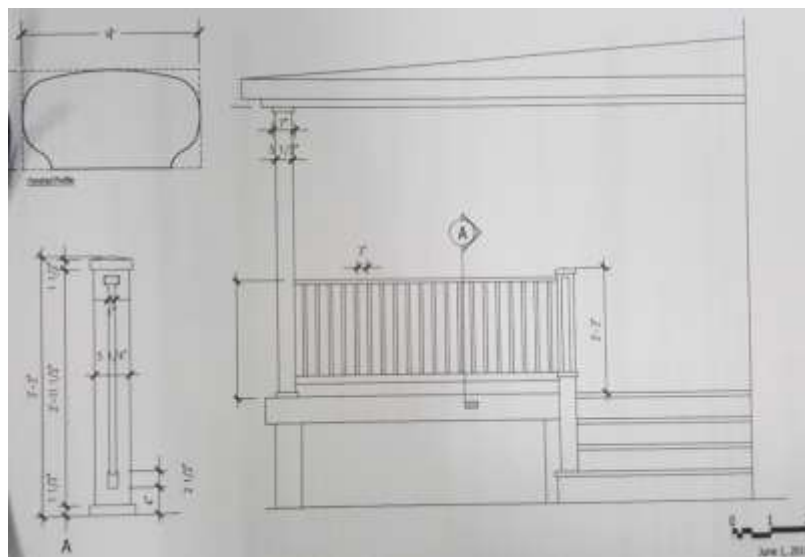


Figure 4 - Approved plans for rebuilding front porch

The current proposal plans to connect these two previously approved items with a side porch. For clarity in this proposal the original porch will be referred to as the front porch, the deck off of the kitchen will be referred to as the rear deck and the proposed connecting porch will be referred to as the side deck.

The decking will be painted porch grey, which was previously approved for the main entry porch and the wooden rails, trim boards and posts/columns will be painted off-white to match the house trim. The decking will be painted gray.

Staff inquired about the height of the deck and the Applicant provided the following information: "From the highest point at the rear of the house, the deck boards will be 8 feet off the ground. In the front on either side of the stairs, the deck boards will be 6 feet off the ground. In the front, to the left of the front porch, the deck boards will be 4 feet off the ground. On the right side of the stairs leading to the front porch, the deck boards will be 3 feet off the ground."

The Applicant stated via email that the "support posts under the deck will be 2 inch steel posts/helical piles that will be trimmed out with 1" by 6" wood trim boards that will be painted the same medium brown color as the foundation of the house. We have no plans to close in the under part of the deck or run lattice."

The Applicant also stated that "the rear stairs will be built identical to the front porch stairs in style. There will be a stair tread and a riser and will have hand rails on both sides. It will not be an open deck stair and will be finished the same as front porch."



Figure 5 - Proposed wood railing

Staff conducted a site visit on Thursday, February 16, 2017 and found the majority of the porch, with the exception of the posts/footers, had already been constructed, as shown in Figures 6 through 10.



Figure 6 - Existing conditions on February 16, 2017



Figure 7 -Existing conditions on February 16, 2017



Figure 8 - Existing conditions on February 16, 2017

Staff Comments: The County Architectural Historian does not think a wrap-around porch existed historically on this house and that the 1991 photograph is a modern alteration. Staff finds that adding a wrap-around deck presents some difficulties with historic restoration. The Applicant proposes to paint the decking gray, which is part of the original approval and is an historically correct treatment for porch floors. However, porch floors are covered and the current proposal is for open air decking, which would not typically be painted and would not weather well. Chapter 6.F of the Guidelines states, “porches are generally of frame construction with painted wood. Unpainted wood is not common in the Historic District.” As the Guidelines point out, unpainted wood is not common, but painted wood for a deck is also not a common treatment either. Chapter 6.F recommends, “maintain and repair porches, including flooring, railings, columns, supports, ornamentation and roofing, that are original or appropriate to the building’s development and style.” Staff is concerned about the modern change in appearance to the home with the addition of this deck that was most likely not a historic feature, nor is it appropriate to the building’s style as it will greatly alter the side appearance of the building, one of the most visible sides of the building from public view. Staff asked the Applicant to provide a side elevation of the house showing the proposed deck, but did not receive such a plan.

The above comments were written prior to discovering that the side deck was already constructed. Now that the deck is constructed, Staff finds the number of vertical railings is visually overwhelming. While the vertical railings may have been appropriate for the front porch and rear deck, it is clear that it is not an appropriate design for the entire porch/deck. The railings interrupt the line of sight with the side windows. This issue could have been cleared up if a side elevation had been submitted and if the deck had not been constructed without approval.

Chapter 7 of the Guidelines provides recommendations for new construction, including porches. Chapter 7.A recommends, “attach additions to the side or rear of a historic building. Design and place additions to avoid damaging or obscuring key architectural features of the historic building” and “design additions to be subordinate to the historic building in size, height, scale and detail and to allow the form of the original structure to be seen. Distinguish an addition from the original structure by using vertical trim or a setback or offset between the old section and the new.” The railings obscure the windows, which are key architectural features of this building and do not allow the form of the original structure to be seen. In the original application the Applicant proposed to shorten a side window for interior space planning, which the Commission did not approve. The most appropriate place for this deck is the

rear of the building, which was approved. The side deck also connects to the front porch, a historic feature of this building, and does not distinguish between the new construction, creating a false sense of history. The railings are not subordinate to the building in terms of detail and have become one of the most prominent features on the side façade, which is the largest visual expanse of this building.



Figure 9- Existing conditions on February 16, 2017

The Applicant proposes to install a staircase on the new side deck, where the gap in the railing currently is, as shown in Figure 9. Staff finds this is not an appropriate location as it will draw more attention to the side deck and is too narrow in design. The deck drawing indicates that the stairs will run sideways off of the side deck. This is a very modern treatment for stairs and Staff finds the most appropriate location for secondary egress from the deck would be on the farther side of the rear deck, as originally approved.

The Lawyers Hill Historic District Design Guidelines are very clear that this work required a Certificate of Approval before it was constructed. Appendix A (page 53) contains a summary of work requiring approval and 'Porch or deck addition' is identified as needing approval.



Figure 10 - Existing conditions on February 16, 2017

As mentioned above, the Applicant stated that the steel posts will be trimmed out with 1x6 wood boards that will be painted the same medium brown color as the foundation of the house. Chapter 7 of the Guidelines recommends, “use details to provide a visual link between old and new by continuing a line of trim, or using similar forms in rooflines or other elements.” The posts are highly visible due to the height of the deck. If the Commission approves the retroactive application for construction, Staff finds the posts should match the existing brick posts found on the front porch as this deck is highly visible and the materials used should be consistent. See Figure 7.

Staff Recommendation: Staff recommends denial of the side deck. Staff recommends the end posts on the front porch be replaced per the original approved design and the columns completed per the original approved design. Staff recommends the staircase be added to the rear deck as originally approved.

Testimony: Mr. Shad swore in Mr. Daniel Roth and Mr. Kevin Grimes, the contractor who performed the work. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Daniel Roth said the front porch and rear deck were approved last July and said he mentioned at that time that he hoped for a side deck connecting the front porch and rear deck. Mr. Daniel Roth submitted a photo from the 1990s showing the historic house with a side deck, and stated that it was removed for safety reasons before he purchased the property. Mr. Daniel Roth said he hoped to restore the house to what it looked like when they first saw it with the side deck as shown in the photo. Mr. Daniel Roth said there was miscommunication between him and his contractor once the budget became available for a side deck. He said the contractor misunderstood the “go ahead and get started” as an okay to build the side deck, as opposed to go ahead with the approval process first. Mr. Daniel Roth said the side deck construction has already started but is not approved yet and he would like to come to an

agreement with the Commission on how to move forward. Mr. Daniel Roth wants to be in compliance with the Design Guidelines to maintain period correct material and he is open to suggestions.

Mr. Shad clarified that the front porch with railings and the new 16 x 20 foot rear deck were approved. Ms. Holmes said the existing front porch was approved to be rebuilt due to poor conditions. Mr. Shad said the back deck was supposed to have railings to match the front porch, but there were no prior considerations to connecting the two features. Ms. Holmes said that was correct and said the stairs were supposed to be built on the rear deck, but currently there is an opening on the side deck. Mr. Daniel Roth said he never submitted for approval of the side deck connecting the front porch and rear deck, since he was unsure about the budget and ability to do that work. Mr. Shad said requesting a retroactive approval runs the risk of having to tear down work not approved by the Commission, with costly consequences.

Mr. Grimes said Mr. Daniel Roth was out of town and there was back and forth communication about various projects. Mr. Grimes said he proceeded to build the side deck after looking at an aerial view of the house from 2012 that showed a wraparound deck. Mr. Grimes said that he thought there was a roof over the porch due to the presence of a ledger board where the previous deck was built. Mr. Grimes said this house consists of two houses that were joined together when Interstate 95 was built through Lawyers Hill.

Mr. Shad asked Mr. Grimes if he submitted plans for a building permit before moving forward. Mr. Grimes said yes, he got a permit for the porch being constructed all around. Mr. Shad asked if the side deck was a deviation from the submitted plans. Mr. Grimes said no, he received a building permit based on a wrapped around porch. Mr. Shad pointed out that the wrap around deck was never approved by the HPC. Ms. Holmes said that it was her understanding that the building permits were not approved for the side deck. Mr. Grimes said the permit was approved but the next day he received an email that he could not build the side deck because it needed the Commission's approval, but he was already constructing the side deck. Ms. Holmes said she spoke with the homeowners before the house was purchased and thoroughly explained the HPC approval process.

Mr. Taylor asked Mr. Grimes if he built the front porch, rear deck and side deck. Mr. Grimes said yes. Mr. Taylor asked Mr. Grimes if he obtained a permit before he started building. Mr. Grimes said he had a permit for renovation work on the house and applied for a separate permit for the deck. Mr. Grimes said the permit was approved and then retracted right away.¹ Mr. Taylor asked how much work was done on the deck in the time that the permit was issued and revoked. Mr. Grimes said the entire deck framework was completed except for the railings. Mr. Taylor asked if all of the work was done on the day the permit was issued by DILP, Department of Inspections, Licenses and Permits. Mr. Grimes said yes.

Mr. Taylor asked if DILP has taken any enforcement action on this property. Mr. Daniel Roth said a stop work order was issued. Mr. Taylor asked what was the reason for the stop work order. Mr. Daniel Roth said the side deck was not permitted when the construction started. Mr. Grimes said no, the permit was issued when the construction started, but Mr. Grimes then found out that the side deck required the HPC's approval, so the County issued a stop work order. Mr. Daniel Roth said he was seeking HPC approval before the side deck installation. Ms. Holmes said the plans submitted to the HPC changed two times within a two week time frame and asked if the deck was already constructed when those changes were taking place. Mr. Daniel Roth said he was trying to acquire materials and salvaging iron handrails,

¹ Records of the Department of Inspections, Licenses, and Permits (DILP) indicate that a permit was applied for on February 2, 2017 but the application was cancelled on February 8, 2017 because of required Health Department inspections. On February 17, 2017, DILP investigated the property and issued a stop work order. To date, no permit has been issued for the work.

so the deck was not up then. Mr. Daniel Roth said it was his intent to do everything correctly to get approval before installation, but there was miscommunication between him and his contractor.

Mr. Taylor asked Mr. Grimes if the day DILP revoked the permit was the same day the stop work order was issued. Mr. Grimes said no, the stop work order was issued last Friday, February 24. Mr. Taylor asked when the permit was applied for. The Applicant and his contractor did not know when the permit was applied for. Mr. Grimes said Ms. Karen Roth, the Applicant's mother, applied for the permit. Mr. Taylor asked when DILP revoked the permit. Mr. Grimes was unsure. Mr. Taylor asked when the deck was built. Mr. Grimes said about two weeks ago. Mr. Taylor asked why DILP issued a stop work order after the permit was revoked. Mr. Grimes said the stop work order was issued because they didn't have the HPC's approval. Mr. Taylor asked if Mr. Grimes was working on the deck at the time. Mr. Grimes said yes, the railings were being installed. Mr. Taylor confirmed that they were working on the deck even though the permit had been revoked. Mr. Drew Roth said the deck is not finished yet. Mr. Taylor said he understood, but wanted clarification on why DILP issued a stop work order, because apparently work continued after the permit was revoked. Mr. Daniel Roth and Mr. Grimes said that might have been possible. Mr. Daniel Roth said he was not sure of the timeline, but from what he understands they probably should not have worked on the deck at all.

Ms. Burgess said Staff visited the site on February 16 and that was the day photos were taken showing the side deck nearly completed. She is unsure how long Mr. Grimes was working on it. Mr. Daniel Roth said there may have been work on the hand rails after the permit was revoked due to safety concerns. Mr. Grimes said when the DILP Building Inspector came out to issue the stop work order, he asked the Building Inspector about installing handrails on both sides of the steps for safety reasons. The Building Inspector said no additional work was allowed, and to put caution tape up at the opening around the stairway and lean railings against the opening to prevent people from falling.

Mr. Drew Roth stated that Staff visited the property on Thursday, February 16, and that a stop work order was issued sometime before February 18. Ms. Holmes said the stop work order was issued on February 17. Mr. Roth said that stop work order was definitely in place by the 18th.

Mr. Reich asked Ms. Holmes to discuss the Staff recommendations. Ms. Holmes said Staff did not think the side deck was historically appropriate as it is an open air deck and not a porch. From the Staff Architectural Historian's view, the side deck was not an historic feature. Mr. Reich asked if the deck built in the 1990s was already a modern addition. Ms. Holmes said yes. Ms. Holmes said the side deck railings interrupt the line of windows on the main living level. Mr. Reich asked if Staff found the rear deck was ok because it was out of sight. Ms. Holmes said that was correct and that the Commission approved the rear deck because it was out of the public line of sight. Ms. Holmes explained previous applications filed by the Applicant to point out that the Commission specifically did not approve changes to the subject side of the building one year ago (these alterations were not made, this merely points out this side of the building was intended to be preserved). Ms. Holmes referenced a 1977 photo found in a Maryland Historical Trust inventory form that showed no deck on the house, just the front porch. Mr. Roth explained that picture came from the inventory form for the house at 6162 Lawyers Hill Road, which included the photo of this house at 6130 Lawyers Hill Road.

Ms. Zoren said the rear deck was built larger than it was approved to be because the sides protrude past where they were supposed to end. Mr. Reich said that he thought the application should be revised to Advisory Comments for the Applicant to return with a plan for approval. Mr. Daniel Roth said he is asking for the Commission to approve the side deck as is. Mr. Grimes said that from Lawyers Hill Road, the windows appear above the railing.

Mr. Shad asked about the rear deck size in the previous approval. Ms. Holmes said the previous approval was for a 16x20-foot rear deck. Ms. Burgess said the Staff visit was only a visual site assessment, no measurements were taken and the rear deck size cannot be confirmed. Mr. Drew Roth said the rear deck was presumably larger, because it extended over to align with the side deck. Mr. Drew Roth was unsure why the Commission would approve a rear deck that was wider than the width of the house. Mr. Shad said that nothing from the front porch back is in compliance with what the Commission approved. Mr. Reich asked other than the size of the rear deck, the side deck, and the front porch columns, what other features are not compliant with the previous approval. Ms. Holmes said the proposed side deck stairs also do not comply. Ms. Burgess showed the Applicant and the Commission the details of the approved application.

Mr. Drew Roth said the photo from the 1970s confirms the Architectural Historian's assessment that the deck was not historic. He recommended the Commission use Chapter 7 of the Guidelines for new construction of porches, garages and outbuildings, and treat the deck as a new addition not an historic feature. Mr. Drew Roth said the materials on the new deck are better than the previous deck, because it is now painted wood. Ms. Holmes said most shingle style homes only show pickets on the railings for an enclosed porch that has columns and a roof. Ms. Zoren said the deck is not a historic feature in general and the current vertical pickets on the railing are too much. Mr. Drew Roth referred to a picture on Page 7 of the agenda (Figure 9) and explained that the view of the deck would be different and not this up close from the public street. He said the deck is largely obscured behind large taxus shrubs. He said Figure 9 shows the full impact of the railings, but that view is not seen as much from the public street.

Mr. Shad swore in Ms. Lisa Roth.

Mr. Drew Roth recommended the Commission approve the deck as a new addition, not focusing on the regrettable failure of the Applicant to seek pre-approval. Ms. Zoren agreed, unless the Commission wouldn't have approved anyway. Ms. Burgess said Staff has concerns, such as the stairway coming down from the side deck and facing the public right-of-way. Ms. Holmes said these concerns existed before it was known that the deck was constructed. Ms. Lisa Roth asked for alteration suggestions for what is built, rather than removal of the side deck, such as altering the columns and moving the staircase. Mr. Daniel Roth said they are open to suggestions to bring the side deck into compliance with the Guidelines.

Mr. Drew Roth said this deck looks much better than the 1970s deck and does not find the deck objectionable because it is similar to what has been there. Mr. Drew Roth again recommended treating the deck as a new addition, per the Guidelines. Ms. Holmes asked Mr. Drew Roth, in that capacity, how the side deck complies with the Chapter 7 recommendations and if there are specific guidelines he finds it complies with. Mr. Drew Roth said the Guidelines recommend "attach additions to side or rear of historic buildings" which this deck is on the side of. He said whether it obscures key architectural features is arguable, and that it obscures the bottom of the windows, but that the overall effect of the house and its eclectic forms and shapes is not affected by having the porch there. He finds it follows the recommended practices of using details to provide a visual link between old and new by connecting the historic porch and rear deck. He said the materials are appropriate and compatible with the existing building. He said the colors are appropriate. In terms of an addition, he said it is in line with the recommendations.

Ms. Burgess asked about the deck footings. Mr. Drew Roth said they can be brought into compliance with the Guidelines and could be brick or wood. Ms. Holmes said wood footings would stand out, but brick footings would be consistent with existing materials. Mr. Daniel Roth said the footings would be painted to match the existing foundation in a medium brown color. Ms. Burgess said that would make it

look like a floating deck and it is a very prominent feature. Ms. Holmes said the use of brick footings would be consistent with the Guidelines and does not find wood would be appropriate.

Ms. Holmes quoted Chapter 7 of the Guidelines, which was used in the staff report on page 8, "Chapter 7 of the Guidelines recommends, "use details to provide a visual link between old and new by continuing a line of trim, or using similar forms in rooflines or other elements." The posts are highly visible due to the height of the deck. If the Commission approves the retroactive application for construction, Staff finds the posts should match the existing brick posts found on the front porch as this deck is highly visible and the materials used should be consistent." Mr. Drew Roth said that was reasonable. Mr. Reich said the house has a shingle-style roof, pyramid shaped roof and a kitchen addition combined as one, making it difficult to tie in together, but the one good factor is the all-around deck which ties the mixed architectural styles of the house together. The deck does not disturb the historic elements and reflects the trim of the period. He said the columns should be trimmed out with the same kind of trim as the front porch. Mr. Reich said the railings are painted wood to match the house, which is appropriate. Ms. Holmes asked about the front porch that was rebuilt with a different end column than was approved with the previously submitted plans. Mr. Daniel Roth said they will be replaced with 6x6 columns.

Mr. Daniel Roth would like to plant shrubs in front of the side deck. Ms. Holmes said the Guidelines are online for the Applicant to review and said the Guidelines explain what requires approval. Mr. Drew Roth recommended the Applicant refer to page 44 of the Guidelines for landscaping.

Ms. Holmes noted the following Staff concerns if the Commission is leaning towards approval for the side deck:

1. The supporting posts should be brick to comply with the Guidelines.
2. The opening on the side deck creates a bigger visual interruption. The staircase should go back to the rear where it was originally approved. It should not on the side of the deck as it is visually obtrusive.

Mr. Reich agreed with Ms. Holmes, and Mr. Daniel Roth said he can alter the staircase to make it work in compliance with Guidelines. Mr. Drew Roth said the stairs in the front are more for aesthetics, but the back stairs are for everyday usage for practical access going in and out of the house from the parking pad. The Commission discussed the stairs remaining on the side deck and echoing the width of the front porch. Ms. Holmes said if the stairs remain on the side location, it detracts from the historic porch that was rebuilt, because those are the primary steps one should be using. Ms. Holmes said you don't want to detract from the historic feature by adding this new feature. Mr. Drew Roth said the stairs in the front are more for aesthetics, but the back stairs are for everyday usage. Ms. Holmes said that is not something the Guidelines take into account. Ms. Burgess said the side stair location is not near a door. Ms. Zoren said she disagreed with the stairs being located on the side of the deck. Mr. Daniel Roth said he would like to move the stairs to the rear deck and that his plan was to add a lower landing. Ms. Holmes stated that a landing changes the design from what is before the Commission for Approval.

Mr. Taylor said a 2-2 vote by the Commission constitutes a denial. The Commission could reconsider the case when the fifth Commissioner is present.

Mr. Shad swore in Ms. Karen Roth. Ms. Karen Roth said she has been working with the Applicants in the rebuilding of the house in the past year. She stated the historic materials are hard to obtain and the Applicants have done their best and invested a lot of time and money to be compatible with the Guidelines.

Mr. Taylor asked Mr. Daniel Roth if it is his testimony that he did not authorize the construction of the side deck, but that the builder misunderstood that Mr. Daniel Roth had authorized the construction of the side deck. Mr. Taylor asked if Mr. Daniel Roth told the builder to go ahead and build the side deck. Mr. Daniel Roth said he told the builder he wanted the side deck built, but there was a miscommunication. Mr. Taylor asked if Mr. Daniel Roth did not intend to tell the builder to build the side deck, but the builder interpreted the okay to proceed, with an okay for construction of the side deck. Mr. Daniel Roth said he told the builder he wanted a side deck since the budget allowed it now. Mr. Drew Roth asked the Applicant if he did not intend to tell the builder to proceed with the side deck in advance of obtaining HPC approval. Mr. Daniel Roth said correct, he knew he had to get HPC's approval first in order to qualify for all of their previously approved tax credits. Mr. Shad asked if the pre-approval requirement was conveyed to the builder. Mr. Daniel Roth said yes.

Ms. Holmes reminded the Applicant that the design of deck stairs is left for Staff approval. The Applicant needs to submit drawings showing the stairs pattern coming off the rear of the deck. If there's a landing, it needs to be shown on the plan.

Motion: Mr. Reich moved to approve the deck as built with the following modifications. The stairs are to be moved to the rear deck. The new location and the new design of the stairs are to be approved by Staff. The columns supporting the deck should be brick and the flooring of the deck should be painted gray. No stairs are approved on the side deck. The color of the brick columns should match the existing brick and mortar. Mr. Roth seconded. Mr. Shad opposed. The motion was passed 3-1.

HPC-17-17 – 3420 Sylvan Lane, Ellicott City

Application for Certificate of Approval for new construction.

Applicant: Robert Z. Hollenbeck

Background & Scope of Work: This property is located in the Ellicott City Historic District and dates to approximately 1890. The Applicant proposes to construct a bank barn behind the main historic house, cut into an existing slope. The application states, “the topography of the existing slope leaves approximately nine feet from driveway level to where the slope plateaus at the top, and has relatively little fall from side to side. By cutting into the slope, the scale of the structure is diminished, as only a single story will generally be visible from three sides once constructed.”

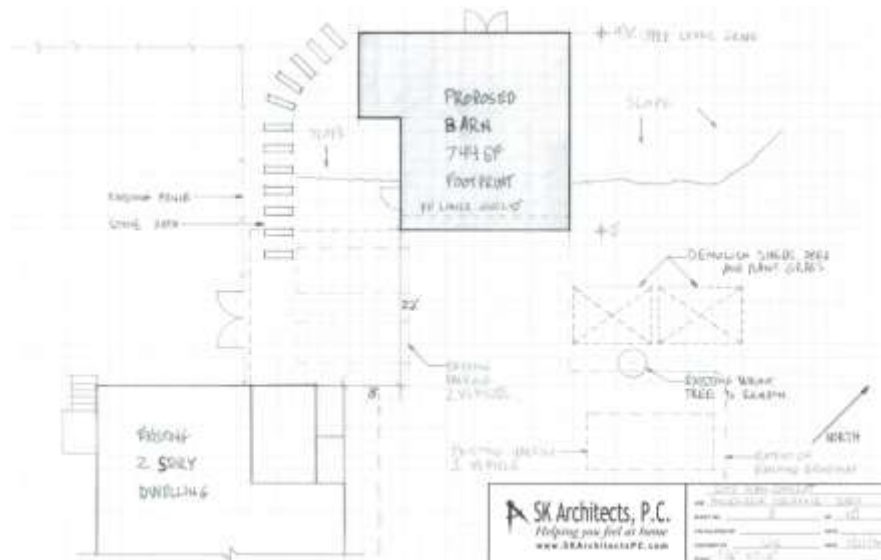


Figure 11 - Proposed location of new barn

The Applicant also seeks approval for a three rail wood fence that was constructed prior to their ownership of the home. The fence is a three rail split rail fence that is four feet high with posts 8 foot on center. Staff did not see approvals in the file for these items.



Figure 12 - Existing fence

The proposed barn elements and materials are outlined below:

Foundation: The walls of the lower level foundation will be clad in a custom gray/brown/tan stone blend from quarried stone. The stone will be laid in a coursed ashlar pattern with light sand color mortar. The stone will be 4 to 6 inches thick and approximately 8 to 18 inches long.

Natural stone steps: Install 13 large stone slabs, approximately 3 to 4 feet in length and at least 6 inches in height, and varying in depth from 12 to 24 inches, into the existing hillside to create a stone pathway, as shown on the site plan.

Siding: The upper level of the barn will be constructed with board and batten siding using 1x12 rough sawn pine that is left to patina to a natural silver/gray. The battens will be 1x3 rough sawn pine, also left to naturally weather. The application states that “board and batten siding was selected to ensure that the structure does not resemble the home, so that it is subservient both in scale and material to the principal structure. Additionally, the board and batten is intended to echo some of the older accessory garage and barn structures located throughout the Historic District.”

Roof and Gutters: The Applicant proposes to install a 16 inch wide Pac-Clad standing seam metal roof in either Weathered Zinc (option 1) or Colonial Red (option 2). The barn will have half round gutters and matching downspouts in a galvanized metal color in order to blend in with the natural wood siding which will weather to a silver/gray color. The Applicant also seeks approval to install an asphalt shingle roof if the standing seam metal roof is too expensive. The proposed asphalt shingle roof would be Tamko Heritage asphalt shingle in the color Old English Pewter, a light gray color. A metal woodstove chimney will extrude from the roof.

Lighting: Lighting fixtures will be added at entry doors and will be a black gooseneck style light.

Windows: The proposed windows will be Pella 2 over 2 double hung aluminum clad wood windows in the color white. The windows will have a 1x4 natural unpainted pine trim to match the board and batten siding.

Exterior doors, windows and other features by elevation:

East Elevation (labeled South elevation on submission) - Overhead garage sectional doors on the lower level will be faux carriage house garage doors built out of a composite material that will be painted Sherwin Williams Roycroft Copper Red with black hardware. The upper level barn style doors will be a wood custom built door 2 lite over 1 panel with v-groove detail in the panel. There will be three windows visible from this elevation. This side of the building will also have a 4x12 beam installed to resemble a barn hay carrier. A pulley will be affixed to the beam and will either be weathered steel or painted black. This item will not be functional.

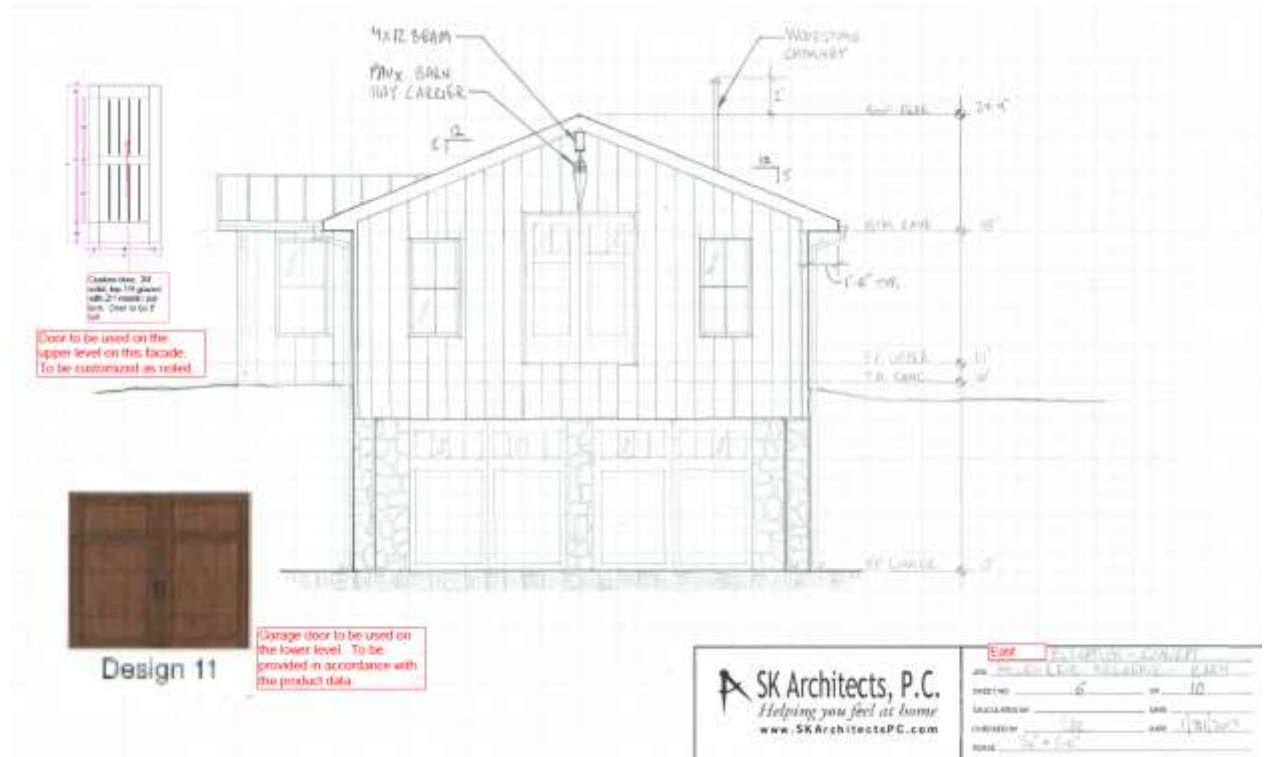


Figure 13 - East Elevation

South elevation (labeled West elevation on submission) – The proposed door on the lower level will be a half lite (no muntin pattern) over 1 v-groove panel wood door. Three windows will be visible on this side of the building. There will be one light on this side of the building, to the right of the door.



Figure 14 - South Elevation

West Elevation (labeled North elevation on submission) – There will be one pair of doors on this elevation, which are salvaged doors with 6 lights over 1 'x' panel. The doors will be painted Sherwin Williams Roycroft Copper Red with black hardware. There are two windows visible on this elevation. There will be one light on this side of the building, over the paired door.

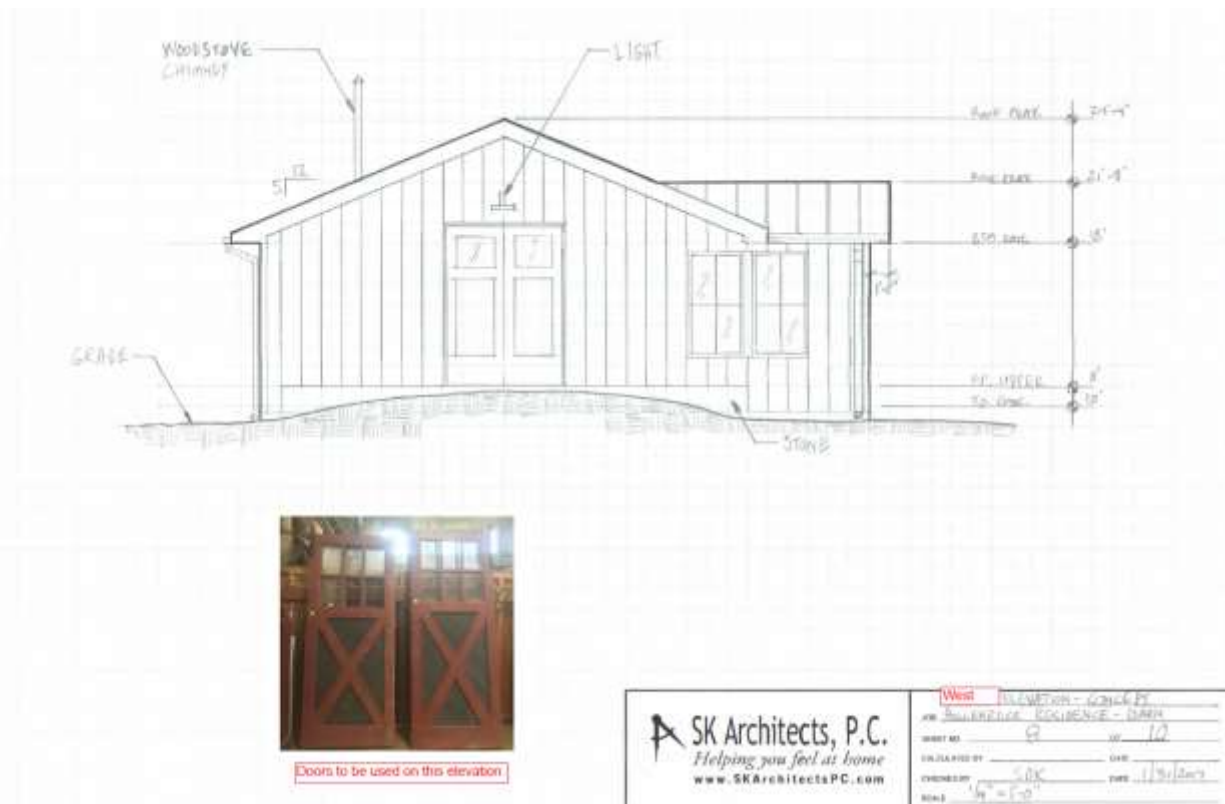


Figure 15 - West Elevation

North elevation (labeled East elevation on submission) – There are no doors on this elevation. There are two windows, one on the upper level and one on the lower level, visible on this side of the building.



Figure 16 - North Elevation

Staff Comments: The application complies with Chapter 7 recommendations for "New Construction: Additions, Porches and Outbuildings." The location of the barn complies with Chapter 7.C recommendations (page 55), "if allowed by the size and shape of the property, place new outbuildings to the side or rear of the main building, separated from the main building by a substantial setback." The new barn will be located 22 feet behind the main house, set to the side and built into the hillside. The Guidelines (page 55) also recommend, "do not place a new outbuilding where it blocks or obscures views of a historic building." The barn will not be located directly behind the historic house, but to the rear on the north east edge.

The barn was designed to look like historic barns found in Ellicott City. This was explained in the application, as examples of other outbuildings and barns in the historic district were provided. The design complies with Chapter 7.C recommendations, "design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood." This barn will not be visible from the public right of way, although it still complies with the recommendation. The barn will be built into the hillside, taking advantage of the natural topography. As a result, the barn will appear to be a one story structure on most sides, which complies with Chapter 7.C recommendations, "design outbuildings to be subordinate in size and detail to principal buildings in the immediate vicinity."

Chapter 7.C recommends, "use materials compatible with the main building on the lot or with historic outbuildings in the immediate neighborhood." The barn will have wood board and batten siding, which will complement the German lap wood siding on the historic house. The application complies with Chapter 7.A recommendations, "on any building, use exterior materials and colors similar to or compatible with the texture and color of those on the existing building." The board and batten will be compatible with the historic house, but is more appropriate for the architectural style of the proposed barn. A natural stone will be used to veneer the foundation and it is compatible in color and scale with stone used on other buildings in Ellicott City. The proposed windows are aluminum clad wood and are appropriate as they will not be visible from a public way, are for new construction, but will still be made of wood and match the style of the windows on the historic house.

The proposed standing seam metal roof or backup proposed asphalt shingle roof complies with Chapter 7.A (page 53) recommendations, "roofing material may be similar to historic roofing material on the existing building or may be an unobtrusive modern material such as asphalt shingles. Asphalt shingles should be flat and uniform in color and texture." The historic house has an asphalt shingle roof, so there are no historic roofing materials on the site. Staff recommends the Applicant consider using the secondary standing seam metal roof color choice, the colonial red. While the weathered zinc color is appropriate, the red will provide more contrast as the natural wood begins to age and keeps the entire building from becoming a monochromatic silver gray. The red will also complement the proposed red for the doors and tie that color scheme into the building.

The fence complies with Chapter 9.D (page 69 and 70), which states, "split rail or post and rail fences are more appropriate in less densely developed areas such as upper Church Road, Sylvan Lane and Park Drive" and "install open fencing, generally not more than five feet high, of wood or dark metal."

Staff Recommendation: Staff recommends Approval as submitted and retroactive approval of the fence.

Testimony: Mr. Shad swore in Mr. Robert Hollenbeck. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Hollenbeck said he originally submitted a request for conditional approval pending approval of the zoning variance, but DPZ cannot approve the variance until the Commission issues an approval first.

Mr. Hollenbeck stated the proposed structure will not be very visible from the public way and he wants to do everything in accordance with the Guidelines. With the board and batten siding, Mr. Hollenbeck requested two different options. The first option would allow the wood to naturally patina. The second option would be to paint the siding Sherwin Williams Earl Gray with white trim.

Mr. Hollenbeck said for the standing seam metal roof they submitted two colors. He said that Staff recommended the red, which was their alternate color. He said they also submitted a Weathered Zinc color and requested approval for both colors. He said the roofer will use the PAC 150 double lock seam. Mr. Hollenbeck also requested approval of an alternate roof shingle in the color Old English Pewter by Tamko. Mr. Hollenbeck said if the natural patina siding is used, then galvanized gutters and downspouts will be installed. He said if the barn is painted, they will match the house with white gutters and downspouts.

Mr. Hollenbeck said for the exterior doors he submitted an option for salvaged doors, but the salvaged doors were no longer available because they didn't want to purchase them without approval. He wanted guidance about the use of salvaged materials. Ms. Holmes said that if the Commission leaves that item to Staff approval, then Mr. Hollenbeck can bring the item to Staff and they could issue an approval. Ms. Holmes clarified Mr. Hollenbeck's first siding choice is the natural weathered patina. Mr. Hollenbeck said yes..

Ms. Holmes stated that she clarify the Hollenbeck's first choices so the Commission can focus on those items and approvals, and look at secondary choices if needed. Ms. Holmes summarized the first choices for the Commission. She said the siding would be an unpainted, natural patina board and batten siding. The roof is the galvanized weathered zinc. Downspouts are galvanized and the doors painted red, regardless of the color scheme. The lighting fixtures are black gooseneck style, regardless of the color scheme. The windows are 2 over 2 double hung aluminum clad wood windows in the color white, regardless of the color scheme. The trim would be natural unpainted pine matching the siding. Mr. Hollenbeck said yes. Ms. Holmes said thirteen large stone steps will be installed on the hillside for access. The foundation is the stone, regardless of the color scheme. Mr. Hollenbeck said they brought a sample of the stone for the foundation, which would be an ashlar pattern

Ms. Zoren asked if the steep slope will have a retaining wall. Mr. Hollenbeck said no, the current slope will be maintained and the center will be dug out to add the structure. He said it may not be as drastic as shown in the section or elevation, but will represent the same grade.

Mr. Shad asked the other Commissioners if there was any concern over the color options. Mr. Roth said he had no concerns; he said that if they don't paint it the siding may need to be replaced sooner. Ms. Zoren said she was fine with the general style of the 6 light over one panel door and letting Staff approval the salvaged doors. Ms. Holmes asked the Commission if they would want the salvaged doors to go through the Minor Alterations process if a drastically different style was submitted. The Commission confirmed that process should be used if the style is different.

Motion: Mr. Roth moved to approve as submitted for both option one and option two, and to allow Staff to use the Minor Alternation Process should the Applicant wish to change the west side door style, otherwise the salvaged door is subject to Staff approval. Ms. Zoren seconded. Mr. Roth also moved to retroactively approve the fence. Ms. Zoren seconded. The motion was unanimously approved.

HPC-17-18 – 12171 Clarksville Pike, Clarksville

Advisory Comments for site development plan for a site containing a historic structure.

Applicant: Steve Breeden

Background & Scope of Work: This property is not located in a local historic district, nor is it listed on the Historic Sites Inventory. However, the structure is historic and dates to approximately 1920. This application is for Advisory Comments for the site development plan of the property, which includes the demolition of the historic house. The house is located in Clarksville, along Clarksville Pike. The entire property, including the River Hill Garden Center, consists of 6.3 acres and is zoned B-1 and falls under the purview of the Clarksville Pike Streetscape Plan and Design Guidelines and the Design Advisory Panel.



Figure 17 - Front of historic house



Figure 18 - Side of historic house



Figure 19 - Side of historic house

Architectural Historian Comments:

The Dr. Herbert & Grace Zepp House (12171 Clarksville Pike) is a c. 1920s bungalow that has had wholesale replacement of materials on the exterior c. 2007, according to the owner. This includes siding, windows, doors, foundation stone veneer, and porch decking and ceiling. The front door was apparently originally in the end bay and was moved to the center as part of these renovations. There is evidence on the interior that there was also an at-grade side door to the exterior, which no longer exists. Nevertheless, the house retains the original form of a bungalow, with the roof sweeping out over the large front porch, and thus would be considered a contributing structure to a historic district, though such a district does not, and could not, exist here. On the interior there has not only been significant replacement of original fabric, but major alterations of spaces through the reconfiguring of walls and the replacement and relocation of the stairway. There are several interior features that survive, most significantly the fireplace with flanking built-in bookcases. This architectural device was very popular with higher-end bungalows but is rarely seen in Howard County. The oak floor with walnut inlay also survives in this room, in apparently good condition, while throughout the second story the original flooring survives, but is in serious need of refinishing. While the historic integrity has been seriously compromised, the house is still worthy of being inventoried, which would then qualify it for tax credits.

Staff Comments: The historic structure proposed for demolition is shown in the Clarksville Pike Design Guidelines on page 7 as an example of existing buildings that contribute to the character of the Clarksville Pike Corridor's sense of place. The River Hill Garden Center, of which this building is part of, is listed in the Guidelines under 'Prominent Buildings and Landmarks'. Page 22 of the Guidelines references materials and elements, and this building is again used as an example with its front porch.

One of the design principals referenced in the Guidelines is, "Green....Incorporate sustainable elements." While the Guidelines focus on other environmental sustainable methods, the adaptive reuse of existing, historic buildings is one of the most sustainable practices. This building has been renovated and is in good condition. The building is constructed out of a variety of materials such as HardiePlank siding, Trex decking, and wood interior flooring which are materials that would be put into the landfill if the building is demolished.

The existing historic house directly fronts Clarksville Pike and complies with the Clarksville Pike Guidelines, which recommend, "buildings should front onto Clarksville Pike, buildings should be set close to the street and primary building entrances should be oriented to the street." The existing building complies with these Guidelines, while the proposed new structure at this location does not, as shown in Figure 20.

The property is located within Area 3 along Clarksville Pike, as referenced in the Clarksville Pike Guidelines. The Guidelines (page 44) for Area 3 state, "street trees will be informally clustered to reflect the character of the surrounding agricultural landscape, in contrast to the uniform, evenly-spaced street trees further south near the commercial core...It is important that proposed landscape elements respect

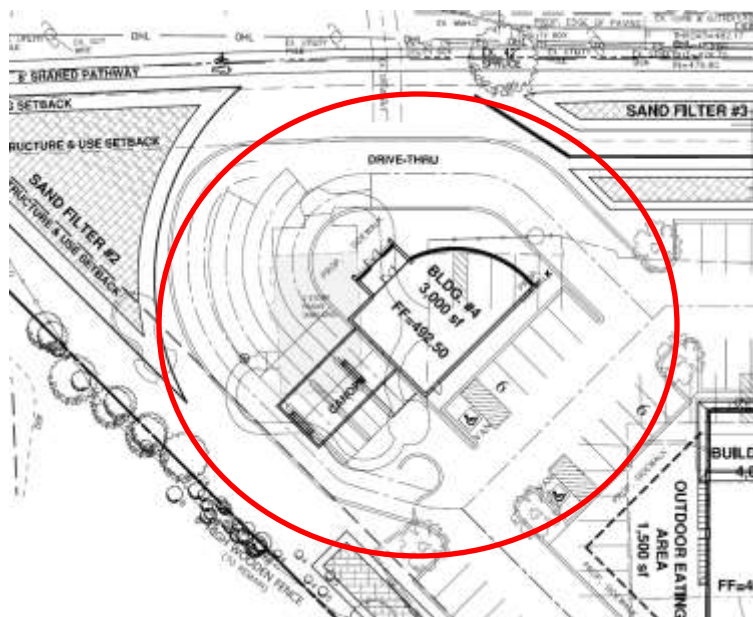


Figure 20 - Proposed site plan showing demolition of historic house and construction of new building

special features such as the “H” tree, two trees uniquely grafted as one located across from the River Hill Garden Center, and the prominent viewsheds of the agricultural landscape that runs adjacent to this portion of Clarksville Pike.” The historic house, which is a bungalow, is part of that agricultural landscape. The house is set back from the street with a yard and is nestled next to a grove of mature trees. The demolition of this house and its environmental setting will negatively affect the streetscape.



Staff Recommendation: Staff recommends the historic structure be retained and not demolished.

Testimony: Mr. Shad swore in Mr. Ron Brasher, the architect for the project. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Brasher said when a house is over fifty years old in Howard County, the house is categorized as historic. Ms. Burgess clarified that the historic designation is based on factors such as architectural features, being the last of its architectural style, persons associated with the structure, and environmental setting, not just the age of the house.

Mr. Brasher said the developer will make every effort to relocate or move the historic house, but the property is zoned B-1, for commercial development, and a large retail center is proposed. He explained that a 28-foot tall building will be constructed and stand towering next to the house. He said the agricultural context of the house with trees will not be there once the retail center is built. Mr. Brasher said the house is not very visible from Route 108, will become out of context with no significance to the project. He does not think it is a part of the historic element of Clarksville. He said the entry to the house off of Route 108 is abandoned and the entrance will be through the new retail center. Mr. Brasher said the house should be moved or demolished.

Ms. Holmes asked if the proposed retail center will return to the DAP (Design Advisory Panel) again for review. Mr. Brasher said yes, because the first design did not meet the Clarksville Streetscape Design Guidelines requirements. However, after meeting with DPZ, he finds the revised designs will meet the DAP's requirements.

Mr. Brasher said the house was renovated and several of the original historic features were removed, so it will not be eligible for the historic inventory. Ms. Holmes said it would be eligible for the Howard County Historic Sites Inventory. She said it would not be eligible for the National Register, but the

Historic Sites Inventory is simply a list of historic properties located throughout the County, and is the same as the State's inventory.

Mr. Brasher passed around a new diagram that he just sketched up that showed what will be sent back to the DAP for review. The new diagram showed the proposed retail building pulled forward closer to Route 108 to meet the Clarksville Streetscape Design Guidelines. He said the proposed retail building will be right next to the historic house. Mr. Brasher said these revisions will be submitted to DAP. Ms. Holmes asked if there will be a free standing bank anymore. Mr. Brasher said no.

Ms. Zoren said the retail building does not impact the presence of the house. Mr. Brasher said the development would take up the site where the existing house is and retail will be extended. Mr. Brasher said the bungalow style house next to a retail center would be out of visual context.

Mr. Roth noted that in the modified diagram that Mr. Brasher presented to the Commission, that the historic house highlighted in yellow is in its current location. Mr. Roth said the diagram does not affect the house moving which is consistent with the outline in the submitted blueprint. Mr. Roth asked Mr. Brasher to reconsider the Commission's advice about saving the house, but Mr. Brasher said the house does not contribute to the historic streetscape.

Ms. Zoren said the house does have historic value in the streetscape, which is why it's in the Clarksville Streetscape Design Guidelines. She said that relocating and moving the house is a solution, but not in line with Clarksville Streetscape Design Guidelines. Ms. Zoren said the development yield can be maintained without demolishing the house. Ms. Zoren said the 28-foot building can be moved to be on an axis with the entrance, to the other side of the shopping center. She said it is possible to have a viable retail solution and retain the house. Mr. Brasher disagreed and said it will affect the economic yield of the project.

Ms. Burgess asked what specific efforts are being made for relocating the house. Mr. Brasher said the developer had spoken with people who specialize in moving/replacing historic homes and also talked to the neighboring church about possibly moving it next door but no decisions have been made.

Mr. Reich said he is in favor of saving the house as much as possible because almost everything historic in Clarksville is gone. Mr. Reich understands the context of the house may change next to a modern retail center, but perhaps it can be moved next door to the church with a nice landscape buffer where it can be appreciated or used by adaptive reuse. Mr. Roth agreed with Ms. Zoren's comments that the house should remain in sight and efforts should be made to accommodate the context of the historic house by working with the retail center. Mr. Brasher said the economic yield will be impacted and the developer has the right to maximize the site. Mr. Brasher said the house is not historically significant enough to remain and will be out of visual context once the retail center is built.

Mr. Reich asked about the status of the site development plan. Mr. Brasher said he met with DPZ, DPW and DAP and all comments will be satisfied. He said all plans are preliminary right now.

Mr. Shad asked if there were efforts to design the development around the house for retention. Mr. Brasher said the location and the circulation of the current site and the context of the historic house would change once the retail center is built. Mr. Shad said it is not uncommon for historic homes to be retained despite development around it throughout Howard County. Mr. Shad said that Mr. Brasher should do everything to save the house and its context in its location for historic preservation.

Ms. Zoren said the house is located in the furthest and narrowest triangular portion of the site, not blocking circulation, so both retail and the house could be accommodated.

Mr. Shad opened the testimony for the public to speak but there was no one.

Motion: The Commission did not make a motion as the plan was for Advisory Comments, which are reflected through the testimony.

HPC-17-19 – 3956 Cooks Lane, Ellicott City, HO-859

Advisory Comments for site development plan with historic structure HO-859.

Applicant: David Woessner

Background & Scope of Work: This property is not located in a historic district, but contains a historic house and is listed on the Historic Sites Inventory as HO-859, the Pue-Fulton Farm. According to the Historic Sites Inventory, the house dates to approximately 1905. The property is zoned CEF-R, consists of 10.0 acres and will contain 55 townhouses. The historic main house was constructed in the foursquare style. The main house and the smokehouse will be retained. A warehouse, ranch house and florist shop/building on the site will be demolished.



The site plan states that the historic building will be the central focus and will include the preservation of the environmental setting around the historic house and smoke house. There will be at least an 80 foot setback on the front and sides of the house to the curb. The back of the house has a 30 foot setback. Townhouse lots 8 through 18 will be located along the street fronting the historic house and will have rear loaded garages accessed from an alley. An uninterrupted sidewalk will be located in front of these townhouses, but the sidewalk will directly abut the street, there will not be a grass buffer between the street and sidewalk. Parallel parking will be permitted on-street in front of these units.

This site is located in the Tiber Hudson watershed. This plan has already been submitted to the Planning Board, Design Advisory Panel and the Zoning Board.



There has not yet been any restoration to the historic house and that work will not take place until approximately 6 years from now, when the project is able to proceed due to the school capacity issue. Architectural plans and renderings are also not available for the townhouses yet also due to the timing issue before the development can proceed.

Staff Comments: The site plan shows a pervious sidewalk surrounding and adjacent to the historic house. This will need to be carefully constructed with protections for the historic house in place to keep water away from the foundation of the house. Typically water would be directed away from the foundation of the house and not absorbed in such close proximity.

Townhouses lots 19 through 31 will have front loading garages, and as such, have driveway curb cuts directly onto the loop road around the historic house. This results in an interrupted sidewalk with narrow strips of land between driveways. Lots 32 through 45 are located behind the historic house. These townhouses also have front loading garages, but with the exception of lots 36 and 37, tend to have larger strips of land between the driveways. From a design and maintenance perspective, these narrow strips of land between driveways should be planned out carefully and alternative materials and planting techniques, such as xeriscaping, should be looked into.

Townhouse lots 4 through 7 are turned to face the side of Lot 3. If possible, Staff recommends these units be turned and lined up next to lots 1 through 3. This would present a more typical street pattern.

Overall this plan complies with Section 16.118 of the subdivision regulations for the protection of historic resources. The historic house, smokehouse and existing trees will be retained on one lot, as recommended by Section 16.118, "historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting." The historic house will front the main loop road and the townhouses directly across from it will face the historic house. This complies with Section 16.118(b)(4), "the new subdivision road should be sited so that the lot layout does not intrude on the historic resources. The road should be oriented so that views of the historic property from the public road are of its primary façade."

Testimony: Commissioner Zoren recused herself. Mr. Shad swore in Mr. David Woessner. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Woessner said he did not have any comments and agrees with the Staff comments, except for the recommendation to turn units 4-7 to be parallel with units 1-3. He said this was presented to the Director of DPZ, who preferred the layout as is because there is a pocket park created by turning the units.

Mr. Woessner said he worked with Mr. Fred Dorsey, President of Preservation Howard County. The proposed road into the development is on top of the existing driveway that serves the house today.

Ms. Holmes asked if the Applicant had about concerns with permeable paving so close to the historic house, such as water infiltration near the foundation. Mr. Woessner said the concern will be addressed in design. Mr. Woessner said the project is required to provide 100-year storm water management, meaning if a 100-year storm were to happen after development, the runoff would be no greater than if there were no development at all. The plan contains an impoundment that will provide 100-year stormwater management for the project site, and also provide stormwater management for the 175 acres upstream that currently have no management, such as the Dunloggin neighborhood near Route 29 and Tollhouse Road areas. Mr. Woessner said he has met with DPW, DPZ and the Maryland Department of the Environment and they all agreed with the stormwater proposal as depicted on the plans. Mr. Woessner explained how the proposed embankment system would function.

Mr. Woessner said he is working with the Howard County Historical Society to convey the house to them. He said there are two existing apartments on the second floor of the house. An historic architect has been hired to refurbish the house to its original standards. Upon completion, the house will be conveyed to Shawn Gladden, Executive Director at Howard County Historical Society, and his team to maintain as a museum, while the two apartments will remain to generate income. The house will also be available to the public for special event rentals.

Mr. Roth liked the economic viability of the preserved house. Mr. Reich asked if there is a landscape plan. Mr. Woessner said the project is currently in the sketch plan phase, which does not typically include a landscape plan, but one will be provided later. As part of the landscaping, all specimen trees around the house will be saved. Mr. Reich said it is fantastic that the historic house was made the centerpiece of everything and some space provided around it. Mr. Woessner said approximately 2,000 feet of pathway will be built linking Old Columbia Pike to Meadowridge Park, YMCA, Long Gate Shopping Center, Veteran's Elementary School and Ellicott Mills Middle School. This will link about 1,000 houses within a one-mile radius of the schools and the parks, without the need to drive.

Mr. Reich asked about the style of the proposed townhouses. Mr. Woessner said the Design Advisory Panel and DPZ provided guidelines for certain design features such as garage door treatments. The townhomes will be 24 feet wide on the side and 32 feet in the back which is wider than the typical townhome allowing for more grass and landscaping.

Mr. Reich said many people feel that there should be no new development in the watershed. Mr. Woessner said the flooding would increase if the property remained undeveloped. Mr. Reich asked why. Mr. Woessner said the project provides 100-year stormwater management for surrounding neighborhoods that do not have stormwater management now, such as Dunloggin. Mr. Reich said last July's storm in Ellicott City was a 1,000-year storm. Mr. Woessner said the storm drain inlets and pipes are not designed to carry 1,000-year stormwater, because the infrastructure is designed for a 10-year storm. Mr. Reich said the project still does not justify the amount of runoff. Mr. Woessner said the

project is decreasing the amount of runoff. Mr. Reich said the project is increasing the amount of runoff and catching everything that would run off in a 100-year storm. Mr. Woessner said yes. Mr. Reich stated many say if Ellicott City could return to its natural environment, it would be the best possible condition. Mr. Woessner said Ellicott City flooded in the 1850s and several times in recent history. Mr. Reich said yes but the flooding has worsened, since only a small portion of the development in the watershed has stormwater management. This project creates lots of pavement.

Ms. Holmes recommended using simple design materials on the proposed townhouses. She said that using too many kinds of materials on the façade could detract from the historic house.

Mr. Shad asked if anything else other than 55 units of townhomes were considered. Mr. Woessner explained the other ideas that were considered, which involved more housing units. He said that after meeting with local police and fire departments, who expressed that their new hires are looking for affordable housing, more units were considered but 55 units were the final determination.

Mr. Shad opened the testimony for the public to speak.

Mr. Shad swore in Mr. Ed Lilley who said he was concerned about additional runoff in the watershed. Mr. Lilley said that although residents are told repeatedly and hear that more stormwater management is being done than is required, this still has not helped the historic district.

Mr. Shad swore in Ms. Sherry Fackler-Berkowitz who said that although 100-year stormwater management is in the development plan, the recent storm was a 1,000-year storm. She said that having been in historic Ellicott City for 37 years, she never could have imagined the floodwater rising up to 19 feet above the river. Ms. Berkowitz said that having more development built above Ellicott City will be better is a big mistake. She is against the proposed development until better plans are put into effect.

Mr. Shad swore in Mr. Bill Withers who said he echoes the same concerns about the runoff generated in the watershed from the newly created pavement.

Mr. Shad swore in Ms. Julia Hawrylo who said there are people deeply concerned about the watershed. She said the historic house and surrounding tree preservation is to be applauded and she is interested to see the final development plans.

Motion: The Commission did not make a motion as the plan was for Advisory Comments, which are reflected through the testimony.

HPC-17-07 – 3614 Court House Drive, Ellicott City (continued from February)

Advisory Comments for site development plan in Ellicott City Historic District.

Applicant: David Warshaw, Court Hill LLC

Background & Scope of Work: This property is located in the Ellicott City Historic District. According to SDAT the building, which is an apartment complex, dates to 1966. The apartment complex will remain and 8 new lots for townhouses will be created. The application states, “the subject property was previously developed in conjunction with SDP-66-11. This site development plan includes the existing building and parking area, which were constructed in the late 1960s. This SDP also included additional buildings, drive and parking areas which were not constructed. However, the clearing and grading was performed and the field run topographic survey is representative of that plan.” The application goes on to explain, “the project is designed to avoid existing steep slopes which were previously created and to

utilize the resulting level area. As a result of WP-16-067 and ECP-16-029, the plan was modified to eliminate units and to avoid the stream buffer.” The current plan is a new SDP that requires Advisory Comments from the Commission before the developer can submit the plans to the Department of Planning and Zoning for review.

Regarding trees, the application states that the trees in the level area are of minimal size and the vegetative resources within the steep slopes and stream buffer are to remain. The application states that “the single specimen tree will remain” and that “all trees 12 inches and greater will be located and addressed.”

There is one proposed retaining wall, which varies in height from 3 feet to 9 feet. The Applicant proposes to construct an interlocking block geo-grid wall and the block will be gray. The application states that “the wall will not be visible from the public right-of-way or adjacent properties. Fences will be specified in accordance with those found suitable for the historic district.”



Figure 21 - Site plan overlaid on aerial of site

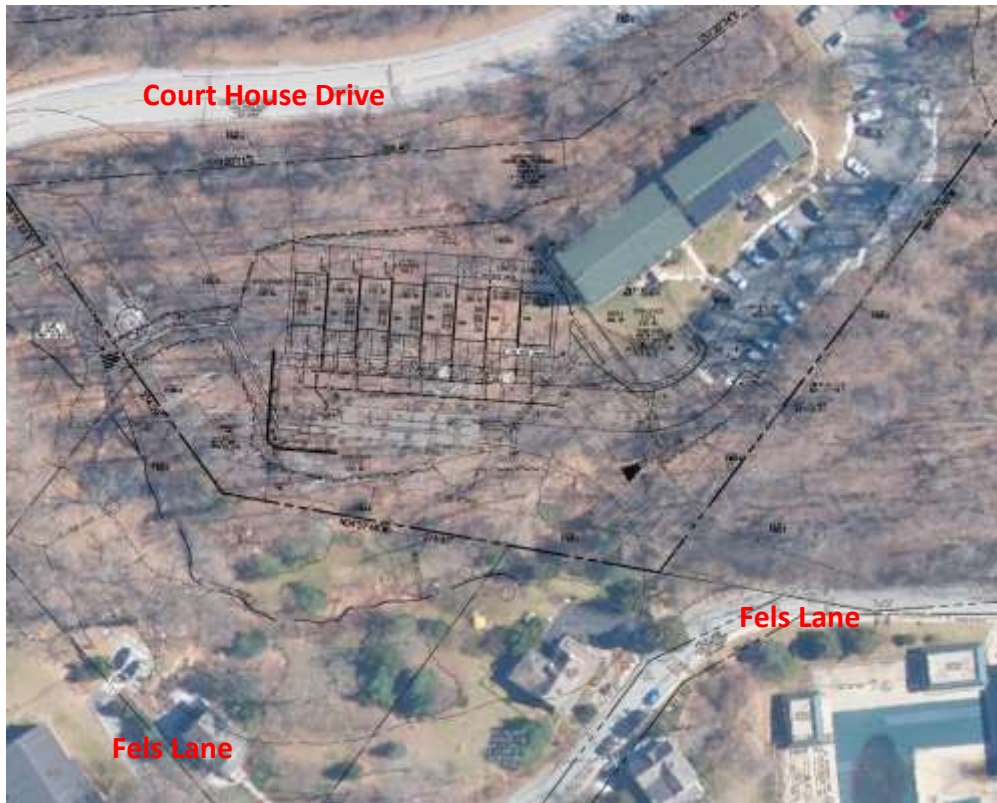


Figure 22 - Aerial of site



Figure 23 - Larger aerial of site

Staff Comments: At this time the Commission is only providing Advisory Comments on the site development plan and advice for future applications that must come before the Commission for the Certificate of Approvals required to proceed with construction.

Site Plan

This site is located above historic Fels Lane and below Court House Drive. The new townhouses will be constructed next to the existing apartment complex. Renderings of the proposed townhouses are not yet available. The historic houses on Fels Lane are visible from this site and there is a steep slope separating the two areas.

Chapter 8.C of the Guidelines on Siting New Buildings states, “new buildings should respect historic development patterns. In most cases, this will mean siting new buildings in a similar manner to neighboring buildings. Within the constraints of the particular building lot, new buildings should maintain setbacks from the street and other buildings consistent with those of nearby historic buildings and should avoid blocking important views of Ellicott City and its terrain.” This site is accessed off of Court House Drive, but does not front the street, so there are no setbacks to maintain from the perspective of the Guidelines’ recommendation. However the new townhouses will share a similar orientation as the apartments to the parking area that will be constructed in front of the homes.

Chapter 8.C recommends, “whenever practical and consistent with neighboring buildings, orient new buildings with the front door and primary façade facing the street. This is a consistent pattern through most of Ellicott City, but may not work in some locations due to the hilly terrain, winding street and irregular lot patterns.” The proposed townhouses will face the same direction as the existing apartment complex, which looks toward Fels Lane. The existing building does not face Court House Drive, nor will the new construction. The grade change from Court House Drive to the location of the existing building and proposed buildings would make facing Court House Drive difficult. The townhouses will be located next to the existing apartment complex, and the buildings will form a wide “V” shape. There is a concrete walkway in front of the townhouses which extends to the parking area for the apartment complex, but does not connect to an existing sidewalk in front of the apartments. The sidewalk should be extended in front of the apartments in order to create a visual connection to the existing community.

The site plan shows a garage for each townhouse. These garages will most likely be located on the front of the building, as there does not appear to be any access provided on the rear. Staff recommends the Applicant consider a rear loading garage as front loading garages are not common in the District. Chapter 7.C states, “new garages and sheds should follow the historic pattern of being detached from the main building and if practical, located in a side or rear yard.”

Trees

A future application for a Certificate of Approval is required for the removal of any trees 12 inches or greater at diameter breast height. That application should contain a plan that identifies all of these trees. The trees should be located and numbered on a plan. A corresponding chart should indicate the species and size of each tree (12 inches or greater) and whether or not the tree is going to be removed or remain in place. Additionally, a photograph of each tree identified on this plan should be provided. The photographs or chart should address the condition of each identified tree. This information should be provided by a certified arborist or a qualified forest stand delineator.

Retaining Walls and Fences

The application states that the proposed retaining wall is an interlocking block geo-grid wall in the color gray, to be similar to granite. Chapter 9.D states, “retaining walls of granite, brick or timber may be appropriate, depending on the context. Concrete walls can be used in locations with very little visibility.

New granite walls are expensive, but retaining walls faced with granite or with a surface treatment that resembles Ellicott City's typical stonework can be appropriate in visible locations." The block geo-grid material is not appropriate for use in the Historic District, as the Commission has previously ruled in a similar proposal. Staff recommends the retaining wall be faced with an appropriate historic style stone to match the stone found in Ellicott City. Chapter 9.D of the Guidelines provides advice for suitable fences in the District, but typically black metal open fences are most appropriate. An application for Certificate of Approval for the retaining wall and fencing must be submitted to the Commission before any work takes place.

Building Materials and Elevations

Staff recommends the Applicant consider applying for Pre-Application Advice on the buildings to be constructed once renderings are available. The Commission can then provide feedback on whether or not the architectural designs are appropriate for the Historic District. This will make the application for the Certificate of Approval go smoother as the Commission can review the designs before they are finalized. At the time of the application for the Certificate of Approval, the Commission will need detailed elevations for each individual townhouse. Each application should contain specification sheets for all exterior materials, such as roofing, siding, color schemes, exterior lights, hardscaping, etc.

Chapter 8 provides guidance for the new construction of principal structures in the Historic District and states, "The County Code requires the Historic Preservation Commission to be lenient in its evaluation of new buildings 'except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area'...New buildings need not imitate historic forms, but they must respect and be compatible with neighboring historic buildings." The existing apartment complex is constructed out of brick and is not a historic structure. However, any future buildings should be constructed to complement the existing building in order to create a cohesive development. Staff recommends that the new construction limit the number of materials and details on the exterior. For example, a townhouse should not have a brick first floor and then lap siding on remaining floors. However, a townhouse could have a brick or stone foundation line and then siding on the rest of the building, which is a more historically and architecturally appropriate style of construction. In lieu of having renderings to provide feedback on, Staff recommends the Applicant research historic rowhomes found in Ellicott City and Oella for examples on appropriate style, material, massing and proportions. Chapter 8.B explains, "compatibility with neighboring buildings in terms of form, proportion, scale and siting is the highest priority. If these are resolved, details such as colors, material or window design can be more easily dealt with. Since the majority of Ellicott City's historic structures are simple, straightforward and unassuming, simplicity in design is important for any new construction." The existing building is a very simple brick building.

There are some important recommendations to consider when designing the new structures for this site. Chapter 8.B recommends, "design new buildings to be compatible with neighboring buildings in bulk, ratio of height to width, and the arrangement of door and window openings." In this case the door and window openings on the existing building are too modern and not appropriate, as it was constructed prior to the creation of the Historic District. Chapter 8.B recommends, "place sliding glass doors, large bay windows and similar features on the side or rear of a new building, not on a primary façade." The windows on the existing building are irregularly sized and there are balconies and sliding glass doors on the front of the building. Chapter 8.B also recommends, "Design new buildings so that the floor to ceiling height and the heights of cornices and eaves are similar to or blend with nearby buildings. Generally, there should not be more than a 10 percent difference in height between a new building and neighboring buildings if the neighboring buildings are similar in height." This Guideline is very important as the new construction should not tower over the existing building. Staff recommends

the Applicant thoroughly read Chapter 8 before designing the new structures as there are other important guidelines on details and materials.

Finally, in light of the severity of the July 30th flood, Staff recommends thorough review of CB 80-2016 that amends the Howard County Code to prohibit the issuance of waivers or variances to floodplain, wetland, stream, or steep slope regulations for properties located in the Tiber Branch Watershed to determine whether this development will face any issues.

Testimony: Commissioner Shad recused himself. Mr. Roth swore in Mr. Robert Vogel and Mr. David Warshaw. Mr. Roth asked if there were any additions or corrections to the Staff comments or application. Mr. Vogel said the wall materials will change, and the wall, fences and other building materials will return for approval. Mr. Vogel said the height of the building will be compatible with surrounding structures and specimen trees will be retained. He said that trees that are 12 inches or more in diameter will be inventoried. Mr. Vogel said that stormwater management will be provided for the 100-year rainfall amount for the watershed. He explained that the site was originally developed in accordance with SDP 66-11 in 1966 which allowed for the existing apartments and two other buildings at the location of the proposed eight townhouses. The site was cleared and graded then.

Ms. Zoren expressed concern on the siting of the townhouses and said there is an awkward arrangement of the townhouse unit closest to the existing apartment building. She said it is very tightly packed in and it makes sense to lose that unit and have a façade that is viewed from Court House Drive and is more uniform

Mr. Roth said it is regrettable to build in the watershed, but the land has already been graded and is ready to go. Mr. Roth did not think the retaining wall would be visible from Fels Lane, although Staff disagreed. Mr. Reich said there is a mix of different buildings viewed from Court House Drive when coming from the Circuit Court. Mr. Reich asked if the other apartment complex was being torn down. Ms. Burgess said the location was near where the Burgess Mill II apartment complex was proposed, but nothing was moving forward on that project. Mr. Reich said there two existing brick apartment buildings on the site and new townhouses will be added. Mr. Reich said that due to the mix of building types approaching the site, he found it hard to offer advice on what the townhouses should fit in with. Mr. Reich said it should try to fit in with the historic district and do something unique. Mr. Reich said the architecture should not be a replica of modern townhomes that other historic communities have. Mr. Reich suggested incorporating an architectural feature, such as the use of a grand staircase that would also serve as stormwater retention similar to the one found in Parking Lot E.

Mr. Roth opened the testimony for the public to speak. Mr. Taylor reminded the public to sign up if they want to testify. He explained that comments that are most appropriate relate to the appearance of the structures and the relationship to the historic district.

Ms. Sherry Fackler-Berkowitz, previously sworn in, said she attended a meeting yesterday that Mr. Vogel held for the community. She said that a question was asked about backup for when the stormwater management system fails and Mr. Vogel had no answer. She is concerned about the runoff due to her location at the bottom of the hill.

Mr. Bill Withers of Fels Lane, previously sworn in, said he agrees with performing an inventory of specimen trees. He said this site is within the Historic District, and thinks infringement of steep slopes or stream buffers was violated by this plan. Mr. Withers said that although the site was cleared and graded in the 1970s, the forest is now 40 years old. He said that the development is closer to Fels Lane than Court House Drive, due to the road that services the townhouses and said the nine-foot retaining wall

will be visible from Fels Lane. Mr. Withers thought the new development should be integrated into the historic neighborhood as it will be visible from Fels Lane, a scenic road. Mr. Withers provided testimony about stormwater management as well.

Mr. Roth swore in Ms. Ann Eustis of Fels Lane, who remains concerned about the view of the scenic road of Fels Lane. Ms. Eustis said they do not have an HOA in the neighborhood, but the residents of the street have been meeting at Mr. Withers and Ms. Hawrylo's home and that Mr. Withers was speaking on behalf of their street. Ms. Eustis explained that she lives diagonally from the site and will be able to see the new townhouses. She said that she is concerned about the scenic road of Fels Lane and hopes the look of the community will remain.

Mr. Roth swore in Ms. Cheryl Simmons of Hill Street, who feels the proposed townhomes would encroach on the peace and tranquility of the historic district. She moved to Ellicott City because of the green space, but said it is getting degraded. She said that there is already increased traffic and pedestrians, and Ellicott City is losing the feeling of a small town. She wanted to set her opposition to the development. She explained that she values peace and quiet and is unsure how the new townhouses will affect the small town feel.

Mr. Roth swore in Mr. Joe Hauser of Fels Lane. Mr. Hauser explained that his property is closest to the development, is one of the oldest houses in Ellicott City and is the most impacted by the development and the runoff on Fels Lane. Mr. Hauser explained that he had a lot of damage done to his house from the July 30 flood and that it is in his interest to have the proposed development provide stormwater management. He said that the views from Court House Drive will not be very impacted by the development and that it would be hard to see the new development from Fels Lane. Mr. Hauser said it will be easy to see the townhouses from Mr. Withers' house. He explained that the existing apartment complex has a failed stormwater management system and that if it was functioning the stream would not have silted up and run off down Main Street. Mr. Hauser gave some background on the previous owners of the apartment complex. Mr. Hauser explained that the current site owner, Mr. Warsaw, is willing to work with Mr. Hauser. Mr. Hauser shares the same concerns as his neighbors about new development in the Historic District, but he has confidence that the HPC will influence the developer to make the buildings fit into historic Ellicott City.

Mr. Taylor asked if there will be significant grading. Mr. Vogel said there will not be significant grading. He said they field ran the topography and the 1966 plan is identical and the site was graded and ready to go. He said it is minimal grading; they plan to set the building right on the pad.

Ms. Zoren said that in general she agreed with Staff recommendations for the wall material and wanted to reiterate that she thought it would be a more cohesive solution if the townhouses related better to the existing buildings by adjusting the angles.

Mr. Roth said the desire to preserve the tranquility of the neighborhood is a very worthy thing to consider when the developer does the detailed design to minimize impact on neighboring historic properties.

Motion: The Commission did not make a motion as the plan was for Advisory Comments, which are reflected through the testimony

Other Commission Business

Mr. Taylor said there are two historic tax credits. One is the 25% of the cost of rehabilitating an historic structure. The other tax credit is a new tax credit for work on the structure that results in an increase in the assessed value of the structure. In that case, one gets a tax credit for the difference in the assessment that was attributable to the eligible work. Mr. Taylor explained that the exterior and interior work must be compatible with the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings. For example, if a structure was rehabilitated with improvements to a perfectly functioning kitchen, one will not benefit from the tax credit. But if there was no functional kitchen and a modern kitchen was installed, the property may be eligible for the tax credit but the building owner is still required for increased assessment.

Mr. Taylor said that many properties on Main Street were assessed at \$1,000.00 in value by the State because of the July 30 flood damage. Since then, many properties were rebuilt and will have a large increase in assessed value back to their value before the flood. The tax credit is capped at the amount of money spent. Mr. Taylor suggested a work session with the Staff and the Commission to outline a process for this new tax credit for the assessed value.

Mr. Roth asked about the Commission's role in reviewing the new tax credit applications. Mr. Taylor said it will be a two-tiered process just like now, where the Applicant submits an application and Staff provides the Commission with a report to determine if the work done is appropriate for a tax credit. The specific criteria of the new tax credit will be discussed at the work session. Ms. Burgess said there are currently about four to six applicants waiting to apply for the new tax credit. Once procedures are in place, it will be implemented in the May meeting.

Ms. Holmes said the Guidelines for both historic districts need to be updated although there is not the staffing capacity to do a massive update. Mr. Shad asked if there are plans to revise the Guidelines. Ms. Burgess said there is a goal and \$30K in the budget if a consultant needs to be hired. The original timeline was to do the update last year, but the flood happened and tasks were reprioritized. Ms. Burgess said recent issues have been vinyl signs in windows and tree removals, and such items should be addressed.

Mr. Roth moved to adjourn. Mr. Reich seconded. The motion was unanimously approved and the meeting was adjourned at 10:13 pm.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.

Allan Shad, Chair

Beth Burgess, Executive Secretary

Samantha Holmes, Preservation Planner

Yvette Zhou, Recording Secretary